

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JUSTIN DAVID MARTIN,

Defendant.

Hon. Janet T. Neff

Case No. 1:18-cr-00140

ORDER OF DETENTION

This matter is before the Court on the government's motion for pretrial detention. Defendant has been charged in a 4 Count Superseding Indictment. Count 1 charges defendant with conspiracy to distribute or possess with intent to distribute a controlled substance, in violation of 21 U.S.C. §§ 846 and 841 (a)(1); count 11 charges defendant with possession with intent to distribute heroin, in violation of 21 U.S.C. § 841; count 12 charges defendant with felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1); and count 13 charges defendant with possession of a firearm in furtherance of drug trafficking, in violation of 18 U.S.C. § 924(c)(1)(A)(i). Given the nature of the charges, there is a statutory rebuttable presumption in favor of detention.

The government sought defendant's detention on the basis that he is a danger to the community, 18 U.S.C. § 1342(f)(1), and that he poses a significant risk of

flight, 18 U.S.C. § 3142(f)(2)(A). The Court conducted a hearing on November 27, 2018, at which defendant was represented by counsel.

Having considered the information presented at the hearing, the parties' oral submissions, and the information in the Pretrial Services Report, and for the reasons stated on the record, the Court finds that defendant has not rebutted the presumption of detention regarding risk of flight and has not rebutted the presumption of detention as to danger to the community. The Court also finds, as explained on the record, that the government has sustained its burden of proving by clear and convincing evidence, that he poses a danger to the community. Further, the Court finds that there is no condition or combination of conditions of release that will ensure the defendant's appearance or the safety of the community. Accordingly,

IT IS ORDERED that defendant is committed to the custody of the Attorney General pending trial.

DONE AND ORDERED on November 28, 2018.

/s/ Phillip J. Green
PHILLIP J. GREEN
United States Magistrate Judge